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WHAT ARE THE INGREDIENTS IN THE RECIPE FOR SUCCESSFUL NEGOTIATIONS WITH TEACHER GROUPS?

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Basic ingredients of a successful negotiations process in education include adapting the procedure to the time schedule of the district and personnel concerned, establishing an agenda of items to be negotiated, sharing factual information, providing a proper setting with adequate facilities for the negotiating participants, utilizing effective communications, and providing an escape hatch for resolving impasses. (JK)

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"WHAT ARE THE INGREDIENTS IN THE RECEIPE FOR SUCCESSFUL NEGOTIATIONS WITH TEACHER GROUPS"

I. INTRODUCTION

This scoreboard on negotiations around the nation, as we meet here this year, indicates that at least 16 states in our union have passed specific legislation relative to board of education-employee negotiation relationships.

Recent months have been punctuated with many teacher work stoppages. Most have been called strikes but have interrupted the procedures of public school education in cities even though going under a different label. With this quick backdrop of information, and the acceptance of the fact that negotiations in some form are now a pattern of the public school district, we may proceed to develop through example and experience that kind of a system which must be built to fit the demands of a particular district.

Someone has said that negotiations is the persuasion against autocratic decisions.

Though it is not usually recognized, there can be a difference between collective bargaining and collective negotiations. The first assumes a conflict of interests. While there will be many disagreements during negotiations procedures, it should not be necessary to have to overcome the assumed barriers of hostility, animosity, suspicion, division, etc., assumed in the pattern of the business and industrial world. To whatever extent possible, the setting for negotiations should be permeated with the spirit of trying cooperatively to settle some of the community's educational problems, most of which may be economic. There are already too many situations existing where man is trying to solve problems through division, suspicion, hostility, and animosity - power and force tactics.

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Understanding the roles is important. Members of the board of education represent the people of the community. They are not the people, but represent them. Members of the administration are the professionals instructed to carry out board of education policies. They should serve as dependable information sources for all viewpoints. In terms of representing skill for the board of education, the superintendent and/or his staff should assume the mechanics of negotiation to whatever extent is necessary in arriving at successful conclusions. Members of the staff represent the workers in the schools in whatever capacity they may be and must recognize that they are being represented by a few officers in this negotiating process. Until an acceptable pattern is in common use, a school district will have to make its own determination as to the separate roles to be played by the board of education, the superintendent, the employees, and others. This pattern will be determined by the degree of sophistication, as far as the process is concerned; the climate of relationship; and the skill of the participants. Some districts have included legal council in all of its negotiation sessions.

During negotiations it must be made clear that this process is not policy adoption. Legally, that is the function of the board of education. It is not policy administration. That is the function of the superintendent. It <u>is</u> participation, partnership, and cooperative development of policy.

As we look at this process, we must bear in mind the goals and challenges of education, the great need for an educated populous, and the need to include any which today are not getting their fair share of education (poverty, minority). It is pointed out constantly to us by our writers and philosophers that the pace at which we are moving leaves no second chances for education and that the type of relationship we build through our public school system is for keeps.

II. WARNING

It bears repeating that the degree of sophistication of the negotiation process is so different in various districts that it is difficult to generalize. There are those who are just beginning and there are those who have had some kind of a process for many years. It must also be recognized that it is much different in a rural community than in the major cities of our country with their multitude of problems.

III. WHAT ARE THESE INGREDIENTS?

There seems to be some guidelines which in general we should follow and which hopefully may be helpful to us in working out these problems.

A. Time Schedule and Timing

The time schedule for formal negotiations must fit the requirements for budgeting as required by the state. In some districts this could mean that boards are working with a school year calendar, a calendar year, and a state fiscal year - all of which might be different. The time for opening negotiations should be at that point which seems to be reasonable in terms of meeting the budget deadline without forcing the time table to the point where it will seem to create anxiety as far as the process itself is concerned. The schedule should, however, permit flexibility and plan for discussions and machinery to solve non-economic problems the year around. Some issues cannot best be solved by a negotiating team working intensively for months at a time or around the clock for a shorter time, but should be dealt with patiently and continuously. Personally, I have held back from giving much school time to these processes - hence, nearly all of our work has been done in the evening or on Saturdays. As districts grow and problems become more complex, more of this work may have to be permitted during working hours to protect the health of those who are participating. Each administrator knows best the complexity of the problems in his district...the schedule,

the available help to do the fact finding, the negotiation, etc. A calendar should be built accordingly.

Occasionally, a district has found it wise to change its schedule due to a pending election which may greatly change the membership of the board of education.

B. Establishing an Agenda

One of the major unanswered questions in this whole field is that of "what is negotiable?" Wherever it is possible, machinery should be set up which allows continuous discussion of, and work on, staff problems during the year. This tends to keep a smoother-running organization and also tends to lessen the pressure on the number of items which have to be on the agenda during the formal negotiations. If this can be done successfully, the matter of disagreement over what is negotiable is minimized. Most systems provide avenues of effective participation for teachers through a committee structure which permits thinking on, and action on, current school situations which need scrutiny and creative solutions beyond the negotiation process.

Agenda should be written and presented at a given date. The administration should also present an agenda at the same time. This has not been done in many cases and tends to make negotiations one-sided. If the agenda presented to the administration carries items which they feel are not negotiable and cannot be dispensed with readily at the table, it probably would be wise to listen to them and try to determine the cause. It may be due to lack of communication channels from the teacher to the principal or superintendent. It may be that the grievance procedure is not working. It may uncover important feelings that the superintendent and board of education might well

want to know. While it is most fruitful to attempt to set economic items apart from non-economic items, it must be recognized that most any item can be so interpreted that it costs money. If this whole process is that of establishing a better working relationship, better understanding, better school system, then supreme effort better be given to allowing items on the agenda which may at the moment not seem appropriate until an agreement can be reached as to what rightfully belongs on a district's agenda. Usually from the two agenda, a master agenda can be established and an order of discussion established. It is quite well known that if we follow the pattern that some districts use the pattern of labor negotiations, that on the agenda they may be what is called "cannon powder," or the "laundry list." The administration and board of education in establishing an agenda to keep their prestige should not include such items. After the necessary time is spent so that there is an understanding of what is on the agenda from both sides, it should be considered closed.

C. Sharing Information

It should be understood at the outset that there is a difference between facts that come from an authority, such as the auditor, and statistics which are gathered by both sides to prove a point. Facts should be shared. As the items for consideration are priced by board of education representatives and representatives of the teacher group, they should be compared. If these figures cannot agree, there should be established a reason for disagreement so that in the negotiation process, time is not wasted on arguing over figures.

Most information in a school district is public information. That which should be shared readily, interpreted. Only that which is considered

privileged information should be withheld from those with whom a board of education is dealing. Normally, the information about which we are speaking here is not available to mass media since the use of the information will determine the outcome of the sessions and it is relatively useless to the public at this point.

D. The Setting For Negotiations

It is pretty well agreed that a setting which is somewhat neutral, which means not in the association's office or in the board of education room, is deemed best. This is probably related to the fair-play concept but more than that - there may be no connection with good or bad experiences which may have happened in the rooms prior to these sessions. This does not necessarily mean renting an outside room or facilities, but using those which would seem acceptable and neutral to both groups. The facilities ought to include tables arranged to fit the philosophy of the process, at least minimum comfort, lighting, ventilation, provision for overhead projector, screen, and blackboard. If refreshments are thought necessary for breaks which may occur, cost for these should probably be borne intermittently by the two groups.

There has been quite a bit said and written regarding the size of the negotiating groups. First of all, while it may be determined by the size of the facility, each group should determine its own. It is not felt wise for the board of education to limit the size of the group with which they are working. Good procedure directs that each group will select its own spokesman who may direct questions to or call for presentations from anyone who is representing his group. Much has been written regarding the role of the superintendent. It is probably natural that the employee groups want to get directly to the board of education. I think there is no question but

that members of the board of education first of all represent policy-makers; second, they are not paid, or do not have time, to spend the hours in getting the facts or the hours in the process itself which are going to be necessary in negotiations. This puts the superintendent, and/or an assistant, in a position where he must do most of the leg work, reserving the final decisions which are policy, to the board of education. America and its democratic representative government was built on the right to disagree. There then is no reason why there cannot be sharp disagreement backed up with good argument without the situation becoming personal. While caucuses are time consuming, they serve the purposes of a relief valve during tough situation, a chance for the groups to reassess their position, and a chance to share privately innuendoes of the process. Caucus rooms should be provided that are accessible to the main room. The length of the sessions would have to be determined locally. However, it may be well to work hard for three hours, perhaps extending a few minutes to complete a point, than to try the marathon sessions which many times end with mistakes, misunderstandings, and carelessly thought-out proposals.

E. Communication

One of the most difficult processes in our society is communication and effective communication through which we understand each other. During the process of negotiation in which there is some misunderstanding to begin with, it seems well to have each side have a note-taker in preference to an electronic recorder or a public stenographer. The latter two immediately arouse suspicion. It's much better to have the chairman stop occasionally and ask the question, "Is this what you mean?" than to move too rapidly. This establishes a feeling of good faith and, if it can be used, probably the most desirable method. A news item in the New York Times a few days ago

pointed out that researchers in the field of communication estimate that two-thirds of our person-to-person communication is wordless...a tightened jaw, a stern look, a nervous clenching of the fist - just another dimension of this process of communication.

The matter of communication to a large group of teachers scattered in many buildings becomes difficult because of this point, there may be leaks to the mass media. Statements to the press are difficult because both sides are watching the press to see who received the best coverage. It seems wise that originally all parties should agree to make joint releases and that neither side will communicate without the joint agreement. In some cases where a situation is not going well, both groups have released a communique internally through the system following an all-night session, dispensing information which expresses their own viewpoints and attempts to persuade the other group and is in a sense name-calling. This type of action sets back the process and should be avoided if at all possible. An agreement or relationship with the mass media should be established so that when agreements are reached, they will be fully and freely given for whatever public consumption is necessary.

One of the little used skills in the area of communication is that of listening. We are so bombarded with sounds and distractions that we don't want to hear that we have developed a means of closing our "earlids" as we instinctively close our eyelids when we want to protect ourselves from danger and many times we do not hear what is going on. We also hear through our own experiences. It then behooves us in this whole process to be sure that we are understood and in doing this, try to put ourselves in the position of the other person

that we may use more effective communication. This is the time to communicate effectively and save many misunderstandings and grievances down the road.

F. An Escape Hatch

On some occasions it may not be possible for the board of education and teachers to reach total agreement. There are several ways of meeting an impasse- a panel of fact-finders, conciliation, mediation, and arbitration. Unless your state imposes one of these methods, a board of education should certainly want to establish its own procedure which will allow for a final settlement in case of a serious impasse. If we are to protect the role of the local board of education in American education, every kind of caution should be taken before involving an outsider. Other methods, however, may be face-saving for both sides and are certainly more justifiable in a school community than sanctions or strikes. Relative to a committee of three, there has been some question with those who have worked with this process as to whether each side chosing a person, and together a third, doesn't really leave it to this third person to make an arbitrary decision. Conciliation, an attempt to bring both sides together; mediation, an outside group making suggestions; and arbitration, a group which submits a binding plan - may have to be used as a last resort but tend to leave a lasting distaste in a community. We should use all of the creative ability that we have to find ways of avoiding anything beyond the agreement that can come from around a table.

Directly related to this matter of an impase is the need for a grievance procedure. While this is not directly a part of our topic, this much should be said. In a grievance procedure the route must be simple and direct. Grievances occur when an employee feels that the policy, which has been set forth by the board of education, is not being followed. Whatever the

procedure the board of education may choose to use, the best possible beginning is to make a sincere attempt to settle any grievance as close to the scene where it occurred as possible. This would mean that policies ought to require that the situation be looked at first in a building, directly with the principal who is head of his building, be it the cafeteria manager, teacher, custodian, or whomever. It then should move quickly through a minimum hierarchy to its final settlement.

IV. SUMMARY

Reviewing briefly the things that we have considered, are these ingredients: a time schedule and careful timing; establishing and sharing agenda; sharing and checking information which is to be used in the process; arranging a proper setting for negotiations; understanding and using good communications; providing an escape hatch in case of an impasse.

I would be remiss if I didn't conclude without elaboration two things which I think we ought to be doing. First of all, we have made an assumption that the pattern of working out educational problems should follow that which has been established over the years by business and industry. There is now no body of knowledge in the field of educational negotiations to which we may turn. Consequently, we have turned to the legal profession - the members of which, if they have worked in negotiations, have worked only in this pattern.

A second and related suggestion centers around the inevitable change in methods, content, and philosophy of education as we go down the road during the next few years. Instead of meeting only as administrators, in which case we tend to reinforce each other's biases, we ought to be looking at a blueprint for the future through seminars. Learned and practical people ought to meet and project

a pattern of living and education for ten or fifteen years hence. Such a seminar would include philosophers, university personnel from the field of administrators, representatives from the behavioral sciences, social sciences, industrial relations, superintendents, and high ranking government officials. Addressing themselves to life in the future, they could raise the question, "What will be the needs or patterns of employer-employee relationships in education at that time?" Such attempts are being tried through foundation grants.

The American Association of School Administrators has the prestige and resources to not only address itself to the situation, but to become the cutting edge for this kind of a movement which is sorely needed at this time.

Many districts in our nation have already determined their pattern of working out employer-employee relationships. If they are satisfactory, let them continue. If there is a better way, then we ought to look at it as we would the forest fires which raged in northwestern United States late this summer. The area is burned. It will take a generation another 30 years for trees to be restored again. However, because of it we don't set the other areas on fire purposely.

I would like to think that in our field of education there is a better way and that we will constantly work toward it.

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